



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Williamson Co

Honorable W. K. McClain
Criminal District Attorney
Georgetown, Texas

Dear Sir:

Opinion No. 6-1056

Re: Does the Granger Independent School District, created by a special act of the Legislature, have authority to purchase a school bus for the purpose of transporting students in the Granger Independent School District and high school students from the adjoining common school districts?

This will acknowledge receipt of your request of June 28, 1939, wherein you propound the following proposition:

"Does the Granger Independent School District, created by a special act of the Legislature have the authority to purchase a school bus for the purpose of transporting students in the Granger Independent School District and high school students from the adjoining common school districts?"

By virtue of Chapter 12, H. B. No. 23, p. 312, 1st C. S. of the 35th Legislature, 1917, the Granger Independent School District was created, and as found on p. 315, the following authority is given to the Board of Trustees of said District:

"The Board of Trustees of the Granger Independent School District, here created, shall have authority to purchase grounds, to erect buildings, to repair school houses, to purchase apparatus, to employ teachers and superintendents, and to do all other things incident to and necessary in the establishment and maintenance of an efficient system of schools."

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Section 10 of the Rural Aid Law of 1937 makes provision for the payment of high school tuition not to exceed \$7.50 per month, and Section 11 of the said act provides that the county superintendent and county school board are authorized to set up a system of transportation for the purpose of transporting high school pupils from their district, to the nearest convenient accredited high school. This section also provides for the payment of transportation of such students from the rural aid fund not to exceed \$2.00 per month.

Article 2687a of the Revised Civil Statutes, now in force and effect, provides that the trustees of any school district, common or independent, may contract for the transportation of their high school students.

Article 2676a of the Revised Civil Statutes, with reference to the classification of schools by the county board of school trustees, has this pertinent statement therein:

" . . . In the event any school is so classified that a resident high school student within the free school age cannot receive instruction in his home district, his tuition for the number of months attended in any other high school recognized by either county or state shall be paid by warrants drawn by the local board of trustees on funds of said district and approved by the county superintendent. . . ."

Article 2696, Revised Civil Statutes of Texas, 1925, and now in force and effect, provides for the transfer of students to any district in the county, etc. This provision has to do with the transfer of the child from one district to another in order that the child may attend a school as is most convenient for him to attend. And it would not be amiss to add that the whole system of public free school education is directed and tends toward the point that every child, regardless of where he may live in any school district in any county in Texas, may be given so far as possible the advantage that the child in any other section of any county or school district in Texas receives with reference to a free public school education.

Article 2813, Revised Civil Statutes, 1925, provides with reference to consolidated school districts as follows:

"When in their judgment it is deemed necessary or expedient, said trustees may provide for the transportation of pupils to and from any elementary school or high school

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of the district whereupon such pupils may be in attendance, and trustees are hereby empowered to employ transportation vehicles and drivers for such service, paying the cost thereof out of the local maintenance fund of the district or out of such other funds as may be appropriated for this purpose."

This Department in an opinion addressed to Hon. W. E. Jamison, First Assistant State Superintendent, dated August 2, 1935, found in Volume 366, Letter Opinions, page 211, held that:

"When scholastics are transferred from one district to another the receiving district may provide transportation for the transferred scholastics and may send a bus into the sending district for such scholastics."

We, therefore, hold that the Granger Independent School District is unquestionably authorized by law to purchase a bus to transport its own students to and from school, but in so doing they must, of course, comply with such restrictions as are set out under the law.

And we further hold that in cases where a county-wide system of bus transportation has been set up, as is provided by the rural aid law, in our opinion, there is ample authority for the receiving school district to purchase the bus for the purpose of transporting students of the high school age of its own district and those of the district where the children reside outside of the home district that are in attendance at the Granger Independent School District School.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By 

Geo. E. Berry
Assistant

CSB:N

APPROVED AUG 9, 1939



ATTORNEY GENERAL OF TEXAS

